

Order

Michigan Supreme Court
Lansing, Michigan

March 23, 2012

Robert P. Young, Jr.,
Chief Justice

138952 & (59)

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

MYRIAM VELEZ,
Plaintiff-Appellee/
Cross-Appellant,

v

SC: 138952
COA: 281136
Wayne CC: 04-402161-NH

MARTIN TUMA, M.D.,
Defendant-Appellant/
Cross-Appellee.

On order of the Court, on the Court's own motion, the plaintiff's application for leave to appeal as cross-appellant is reconsidered, and it is GRANTED. The parties are invited to file supplemental briefs limited to the issue raised in that cross-application, and whether *Markley v Oak Health Care*, 255 Mich App 245, 250 (2003), correctly decided that the common law setoff rule applies in medical malpractice actions where joint and several liability is imposed. The plaintiff's brief shall be filed no later than April 13, 2012, and the defendant's brief shall be filed no later than May 4, 2012.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 23, 2012

Corbin R. Davis

Clerk